

Advocate's role (Scenario 1: Restricted Reporting)

You are an Army victim advocate who has been working with a recently assaulted victim, Specialist Sandra Smith, for approximately two weeks. A CID agent arrives at your place of duty, presents his badge and tells you that he is investigating two sexual assaults. He has heard that a sexual assault may have occurred several weeks ago and that you have a new client. He needs to know "what the client has told you" about the assault because CID believes it can link the assailant to two other victims. Specialist Smith selected restricted reporting.

CID's role (Scenario 1: Restricted Reporting)

You report to the victim advocate's duty site, show your badge, and tell her that there is an open investigation on several alleged assaults and you need to know "what the victim has told you" about the assailant because you think that CID can link this guy to two other victims.

Observer (Scenario 1: Restricted Reporting)

You are not verbally engaged in the case scenario; however, you should consider the following questions.

- 1) Did the advocate respond appropriately?
- 2) Did the advocate balance the advocate's obligations to the victim with supporting the CID investigation?

Facilitator Information (Scenario 1: Restricted Reporting)

Primary Teaching Point:

Importance of protecting covered communications

Secondary Teaching Point:

Managing information

Building liaisons

Discussion Points:

How should the VA handle this request for covered communications?

In the event that information about a sexual assault is disclosed to the Command from a source independent of restricted reporting avenues or to law enforcement from other sources, and an investigation into an allegation of sexual assault is initiated, the SARC, VA, and healthcare providers will not disclose covered communications unless the victim authorizes the disclosure in writing or another exception established herein applies.

What if the same scenario exists but this was an “unrestricted report”?

The VA will take no action until the SARC provides guidance. CID should have contacted the SARC prior to contacting the VA. Also, the SARC and VA(s) should establish standard operating procedures to deal with situations such as this.

Commander's role (Scenario 2: Command Relationship)

You are the commander of a mixed-gender support unit. You approach the installation victim advocate and tell her that you heard a "rumor" about one of your troops being sexually assaulted over the weekend. You were expecting a call from the VA but never heard from her and now want to know "what's going on." You want to ensure that "your Marine" is being "taken care of," and she is receiving every possible assistance in "getting herself refocused", and will soon get back to being a fully functioning, combat ready Marine. You move inches away from the VA and state, "I know you will do your duty as a Marine and answer my questions."

Advocate's role (Scenario 2: Command Relationship)

A unit commander approaches you requesting information about a sexual assault victim. You know that the victim has chosen restricted reporting.

Observer (Scenario 2: Command Relationship)

You are not verbally engaged in the case scenario; however, you should consider the following questions.

- 1) How was the interaction between the CO and the VA?
- 2) Did the VA respond appropriately?
- 3) Did the VA give the CO the correct information?

Facilitator Information (Scenario 2: Command Relationship)

Primary Teaching Point:

Managing information

Secondary Teaching Point:

Understand the delicate balance between a commander's need to know and restricted reporting

What would you tell this commander?

The VA would tell the commander that he cannot reveal the identities of any of his clients and cannot discuss case information without the consent of the victim in question. The VA would also advise the commander that the SARC has the responsibility for informing the senior commander of any sexual assault in which the victim opted for a restricted report within 24 hours of the report. This information will not include any information that could reasonably lead to personal identification of the victim.

What can the victim advocate share with this commander in “restricted reporting”?

The VA will not disclose covered communications unless the victim authorizes the disclosure in writing or another exception applies.

If a SARC, VA, healthcare provider, or chaplain makes an unauthorized disclosure of a covered communication, the SARC, VA, healthcare provider, or chaplain will not disclose additional covered communications unless the victim authorizes the disclosure in writing or another exception established herein applies. The unauthorized disclosure of a covered communication may result in disciplinary action.

What can you share with this commander if the victim had “unrestricted reporting”?

Details regarding the incident will be limited to only those personnel who have a legitimate need to know. However, the VA will not disclose covered communications unless the victim authorizes the disclosure in writing or another exception applies.

Would you report the commander's request to the SARC?

Yes. The SARC is the center of gravity for coordinating victim support and assists the senior commander in ensuring that victims receive appropriate and responsive care. Accordingly, the SARC should be made aware of such requests.

Husband's role (Scenario 3: Soldier's Spouse is a Victim)

You are a deployed soldier. Prior to leaving, you ask a close friend and fellow soldier from another unit to look after your spouse and family. You receive a call from another friend stating that he saw your wife drinking with an unidentified male and acting inappropriately. Another friend tells you that she saw your wife leaving the victim advocate's office. Your wife denies everything, so you are calling the victim advocate to get some answers. You demand to know whether your wife has been sexually assaulted and to be told everything that your wife has said.

Advocate's role (Scenario 3: Soldier's Spouse is a Victim)

You receive a phone call from a deployed soldier demanding to know if his wife has been sexually assaulted and to be told all the details. The spouse of a deployed soldier had come in to see you after receiving a referral from the Emergency Room nurse. She stated that she "was raped" by her husband's friend, a fellow soldier. The friend had promised her husband that he would "take good care" of her and watch out for her family while he was gone. She and the family friend went to a bar one night, and after an evening of heavy drinking she wasn't sure what happened but thought she had been sexually assaulted.

Observer (Scenario 3: Soldier's Spouse is a Victim)

You are not verbally engaged in the case scenario; however, you should consider the following questions.

- 1) Did the advocate respond appropriately to the spouse?
- 2) Did the advocate inform the spouse of his options correctly?
- 3) Did the advocate address the spouse's concerns?

Facilitator Information (Scenario 3: Soldier's Spouse is a Victim)

Primary Teaching Point:

Dealing with family members

Secondary Teaching Point:

Restricted Reporting for non-military victims

Discussion Points:

What information do you share with the deployed Soldier?

The VA should advise the soldier that they are not providing advocacy services to his wife as the program is limited to service members only. The VA should then provide the deployed Soldier with contact information for their counterpart in the family advocacy program as well as the local military law enforcement who would be involved in this case.

What rules of confidentiality apply for Family Member spouses regarding restricted and unrestricted reporting?

No rules of confidentiality apply to spouses or other family members. In this scenario, when the spouse went to the emergency room and reported the assault to the emergency room nurse, the emergency room nurse would report the incident to local military law enforcement.

Restricted reporting is available at this time only to military personnel of the Armed Forces and the Coast Guard. Military personnel include members on active duty and members of the Reserve component (Reserve and National Guard) provided they are performing federal duty (active duty training or inactive duty training and members of the National Guard in Federal (Title 10) status). Members of the Reserve Component not performing Federal duty are not eligible. Retired members of any component are not eligible. Dependents are not eligible. DoD civilian employees are not eligible.

Does the CO in the AOR need to be notified?

Yes. The CO needs to be aware that the soldier has been told that his wife was sexually assaulted, so as to take appropriate measures to ensure the soldier's well-being and fitness for duty.

Scenario 4: SARC Training

You are the installation SARC and have just returned from the July case review meeting. Although the meeting went well, you learned that two key members of the case review group will be departing. The Staff Judge Advocate representative has just been selected to accompany the task force that will deploy in October to the Area of Responsibility for six months. In addition, your primary law enforcement contact announced she finally received her reassignment orders.

While considering how you will help prepare their replacements to serve on the monthly case review, you receive a call from the chief of staff. He tells you that the installation has just been assigned responsibility for standing up a new 1,500-person unit that will formally activate in January and that you should be prepared to help.

What training requirements must you address over the next six months?

Facilitator Information (Scenario 4: SARC Training)

Primary Teaching Point:

Understanding the SARC's training responsibilities

Secondary Teaching Point:

Working with command to fulfill training requirements

Discussion Points:

What responsibility does the SARC have for training case review representatives from other offices?

Sexual Assault Response Coordinators are "responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition and resolution of the victim's health and well-being." SARCs accomplish this mission not only by chairing monthly case review meetings but by working closely with the various installation offices that respond to sexual assaults.

Although the SJA and law enforcement chief have primary responsibility for training their subordinates, sexual assault is one of many competing training requirements. SARCs have a vested interest in ensuring members of the monthly case review are trained. SARCs should notify new representatives and their supervisors of training opportunities, conduct personalized training for the representatives, and provide references and other resource materials to incoming representatives.

How does the SARC ensure that the deploying unit receives appropriate sexual assault prevention and response training and will have access to a SARC and victim advocates?

The SARC will comply with his/her Military Service's regulation on pre-deployment training and make this requirement a priority. In particular, the SARC must address training for the deploying SARC and VAs as well as specialized pre-deployment unit instruction. Both training programs of instruction must ensure that personnel are aware of sexual assault policy issues, procedures for reporting a sexual assault, and support systems that will be available during the deployment, to include victim advocates and chaplains. This training will include risk reduction factors that are tailored to the specific deployment locations and also address customs, mores and religious practices, and a brief history of the foreign countries or areas. In addition, training must cover the cultural customs and mores of coalition partners.

How does the SARC ensure that the new unit meets its requirement to conduct sexual assault prevention and response training?

The SARC should contact the incoming commander and operations officer to schedule sexual assault prevention and response training as part of the activation process. Even though training is a command responsibility, the SARC should offer to plan and execute the training. In addition, the SARC will provide separate training for the commander and senior leaders. The commander and his/her Chain-of-Command likely will be grateful for the assistance, and the offer should enhance the SARC's efforts to establish a strong working relationship with the unit.

What about the other units on the installation?

The SARC is responsible for advising the installation commander on all matters pertaining to the sexual assault program and for helping commanders meet annual sexual assault prevention and response training requirements. Although the deploying and activating units should have priority, the SARC must continue to track and work with commanders to complete annual training for other units and organizations on the installation.

Scenario 5: SARC Fulfillment of Training Requirements

You recently became the SARC for a large installation. During your interview you learned that the previous SARC had been relieved and that the installation commander has expressed strong interest in the sexual assault prevention and response program. You have been reviewing a pamphlet on case management when the phone rings. The caller asks you to stand by and suddenly you are speaking with the installation commander. She tells you that she has little confidence that the installation has an effective training program. She just learned that neither the chaplain nor the staff judge advocate bothered to send anyone to DoD-sponsored training conferences even though transportation and lodging costs were provided at no cost to the installation. In addition, random questioning of male and female service members during unit inspections and visits to the commissary and Post Exchange indicated spotty understanding of confidentiality and other key elements of DoD's sexual assault policy.

She directs you to brief her at 1600 hours that same day on how you will improve training and concludes by saying that your ability to execute a successful training program will influence your annual evaluation.

How will you prepare for the briefing, and what will you tell the installation commander?

Facilitator Information (Scenario 5: SARC Fulfillment of Training Requirements)

Primary Teaching Point:

Identify starting point in evaluating a training program

Secondary Teaching Point:

Understand training requirements mandated by policy, building rapport and working within an existing structure

Discussion Points:

Should the SARC be held responsible for the inability of unit commanders and staff directors to meet training standards?

The SARC is the center of gravity for the installation sexual assault prevention and response program. As such, SARC is responsible for advising the installation commander about all aspects of the program to include unit and individual training. In addition, the SARC needs to provide training assistance to unit commanders and staff directors as well as ensuring that these key leaders support and understand the importance of the sexual assault prevention and response program. This may require the SARC to assist in the planning and execution of sexual assault training, identify opportunities for individual training, and inform leaders when training requirements are not being met.

How does the SARC determine whether training requirements are being achieved?

The SARC must review the training of units, installation responders, and monthly case review members. Directive-Type Memorandum JTF-SAPR-013, *Essential Training Tasks for a Sexual Assault Response Capability*, provides the training requirements for responders and monthly case review members and, in effect, the criteria for SARCs to assess the training status of these key individuals. SARCs can evaluate unit training by attending training, and surveying individual service members to determine the effectiveness of the presentations.

The SARC is part of the installation staff so what leverage does he/she have over commanders and staff directors?

Clearly, the SARC's ability to advocate for the sexual assault program will determine his/her success. The SARC must build rapport with not only the installation commander but unit commanders and other key supervisors. This process usually requires a sustained effort that consists of on-going dialogue and support that

identifies the SARC as an important, “value-added” staff member. The SARC must ensure commanders understand how the program assists rather than impedes them and contributes not only to the well-being of individual victims but to unit readiness as well. However, the SARC must be prepared to exploit a sound relationship with the installation commander in the event that a leader refuses to support the program.

How does the SARC respond to the installation commander’s request?

The SARC will have to conceptualize a training program that ensures that units, responders, and case review members meet training requirements. The SARC will have to describe efforts to build rapport with leaders and support for the program; how they will work with units to develop training (identify resources, trainers and training opportunities, work on curriculum, volunteer self and staff to be trainers); how they will work with the medical commander, Staff Judge Advocate, and law enforcement to meet DoD training requirements; and finally, how they will evaluate the training

Scenario 6: Case Management

You are an installation SARC, and three VAs report to you. A recent fraternity convention that went awry resulted in a full case load for each advocate. Fortunately, you enjoy the support of the garrison commander as well as effective working relationships with law enforcement, the Staff Judge Advocate, the head of the medical treatment facility, and the senior chaplain.

Over the weekend you treat your children to an afternoon of bowling. You notice one of your victim advocates, Allison Niedermeyer, about ten lanes away. With her is a man whom you initially identify as her husband because they are exchanging romantic glances and caresses. As you walk towards the couple to say hello, you realize that the man is one of her clients, Johnny Zupa. You return to your children and observe the VA and her client kissing several times until they depart the bowling alley.

You arrive at work early that Monday to review Zupa's file. He had been sexually assaulted eight months ago and opted for a restricted report. He consented to a sexual assault forensic exam, and the service-designated military agency is storing the evidence. Zupa is scheduled to PCS to Europe in seven weeks.

What actions do you need to take, and why?

Facilitator Information (Scenario 6: Case Management)

Primary Teaching Point:

Professionalism

Boundary Issues

Secondary Teaching Point:

Case transfer

Disciplinary actions

Discussion Points:

Should the SARC permit the VA to maintain Zupa as her client? After all, he departs in seven weeks, and the other VAs have full case loads so why address a concern that will be resolved any way?

The SARC needs to reassign Zupa to another VA. SARCs and their staff must maintain professional relationships with the victims they support. Impartial advice and support cannot be provided to individuals with whom the SARC or VA has an inappropriate relationship, and the situation may result in other clients receiving less attention than is required. The VA had an obligation to inform the SARC that she could no longer maintain a professional relationship with Zupa (she did not have to provide details of the relationship), and she should have requested that the victim be assigned to another VA.

What action, if any, should the SARC take against the VA?

Some formal action should be taken, but the SARC will have to base that decision on the VAs performance and disciplinary record. As a minimum, a formal record of counseling should be placed in the VAs personnel file to document the incident. Had this been one of several such incidents, the SARC should consider termination.

Does the SARC need to notify the SARC at the gaining installation about Zupa and provide case management details?

The current SARC must contact Zupa and inquire whether he wants to receive advocate services at his next assignment. If yes, the SARC will contact his/her counterpart at the gaining installation. If not, the SARC will not notify anyone at the client's next assignment. The SARC will not use the meeting with Zupa to counsel him about having a personal relationship with his former VA.

What does the SARC do about the evidence currently being stored by the Service-designated military agency?

The SARC should establish a suspense date to contact the victim 30 days prior to the expiration of the one-year storage period that all evidence will be destroyed if he: (1) does not change to an unrestricted report; (2) if he maintains a restricted report, does not request the return of any personal effects or clothing. The SARC should remind the victim that the evidence will be destroyed if he does not advise the SARC of his decision by the one-year anniversary.

Scenario 7: Case Management

A week before the monthly case review is scheduled to meet; the healthcare provider (HCP) involved in one of the cases you will be discussing calls you, the SARC, and tells you that they will be unable to attend. The HCP says they understand their responsibility to the review group and will be sending a qualified representative as their spokesperson. In addition, the commander that always ends up running the meeting has become increasingly obvious about their lack of appreciation for your role as “the center of gravity” for the sexual assault prevention and response program and has been cutting you out of the loop with law enforcement. Law enforcement is now starting to follow the commander’s lead.

During the monthly case review meeting your newest victim advocate mentions that when they were out to dinner with the victim the other night, the victim mentioned that they were concerned about how slowly the investigation was moving forward and asked the victim advocate to help them follow the alleged perpetrator on Friday and Saturday night. The victim advocate says that they told the victim that they would have to check with you, the SARC, first.

Facilitator Information (Scenario 7: Case Management)

Primary Teaching Point:

'Response Group' participation in the monthly case review meeting

Secondary Teaching Point:

Ongoing case management

Boundary issues

Discussion Points

Is the HCP's absence acceptable?

No. The monthly meeting is scheduled well in advance to meet the needs of the group's diverse schedules. The HCP should have had enough time to reschedule the conflict of interest. Exceptions will obviously exist (i.e., death in the family) so the HCP should prepare remarks/comments ahead of time and share these with the SARC through the most convenient and secure channel possible.

If the HCP spins-up their replacement appropriately, is this an acceptable solution?

No. Only those individuals directly involved in the case should be in attendance. A substitute lacking first hand knowledge of the case is not acceptable.

Should the meeting be cancelled because the HCP is unable to attend?

No. If the HCP absolutely cannot make it, they should prepare remarks/comments ahead of time and share these with the SARC through the most convenient and secure channel possible. The SARC should also explore alternative modes of communication with the HCP to secure their participation: conference call, net meeting.

How does the SARC build rapport with the commander?

This may have to be a long, sustained effort on behalf of the SARC and they should be aware that continued dialogue will be needed to secure and maintain any changes in attitude. The SARC should emphasize that they are working for the commander to provide them with a clearer understanding of the extent to which the crime of sexual assault exists within their command environment and refer to DoD policy guidance and the role it gives to the SARC. In addition, the

SARC should be open and diplomatically state that they would like to be included in pertinent communications with law enforcement, and bring it all back to the fact that they are there to support one of the commander's primary objectives of keeping their personnel safe and ensuring their well-being.

Should you try to regain control of the meetings?

There is a subtle distinction between chairing and running a review group. In most cases, the SARC should let the commander take charge during the meetings. The SARC should focus on tailoring the discussion if it is not addressing the needs of the meeting and should not feel displaced from their important role by the commander's natural reaction to take charge.

How do you shore-up your relationship with law enforcement?

Case management extends outside of the monthly meeting and should be ongoing, every day, every week. Consistent contact and communication with the response groups, in this case law enforcement, should help you build rapport and establish your role.

How do you address the victim advocate's comments?

The SARC should recognize that the victim advocate is not setting appropriate boundaries with the victim. The VA should not be going out to dinner with the victim and they should definitely be able to say no to a victim's request to help them start their own investigation of the alleged perpetrator without having to "check with the SARC". The SARC may want to find some additional training for the victim advocate to attend. If this behavior persists, they should consider replacing the VA.